

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
WARREN ERIC ARMSTEAD,)
MICHAEL BLACKWELL,)
JAMES EDWARD GRATTON,)
ELIZABETH KAY GUTIERREZ,)
RUSTY MICHAEL HILL,)
GWENDOLYN ANN OPPENHEIM, and)
JAMES KENT WALTERS,)
Defendants.)
NO. 04-512P
ORDER CONTINUING TRIAL
DATE

Based upon the reasons stated in the stipulation of the parties to continue the trial date, and upon a review of the records and files herein, including the Indictment in this case, this Court adopts the stipulation of the parties and FINDS and RULES as follows:

The Indictment in this matter was returned by the Grand Jury on November 17, 2004, and the first defendants were first presented in this District on December 6, 2004. The last defendant to make a first appearance in this District was James Edward Gratton, who was arraigned on January 21, 2005.

Of the remaining defendants, all but Gutierrez and Hill have been detained. Moreover, of the defendants who are detained, all except Blackwell are currently serving

1 time on state charges and, if released on the present holds, would return to state custody
 2 to complete their sentences.

3 Furthermore, no motions to sever are currently before the Court. There are,
 4 however, pretrial motions to suppress statements and evidence outstanding in this matter
 5 and thus the period of time since the filing of the motions in March to their disposition is
 6 excludable time under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(1)(F).

7 The United States and the defendants have jointly moved for a continuance of the
 8 trial date. As grounds therefore, the parties have cited the number and complexity of the
 9 charges contained in the eleven-count Indictment; the voluminous discovery; and the
 10 large number of witnesses involved in this case. Furthermore, the parties indicate that
 11 they are engaged activity in plea negotiations and that it would be unreasonable to
 12 prepare for trial adequately while continuing to negotiate towards resolution.

13 It therefore appearing to the Court that the Indictment in this case does allege a
 14 complex and widespread scheme to defraud financial institutions; and it further appearing
 15 that it would be unreasonable to expect adequate preparation for pretrial proceedings and
 16 for the trial itself without a continuance, even with diligent and good faith efforts by
 17 counsel to prepare for trial, because of the number and complexity of the charges, the
 18 voluminous discovery involved, and the numerous witnesses; and it further appearing that
 19 the ends of justice served by granting the requested continuance outweigh the interest of
 20 the public and the defendants in a speedy trial,

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1 IT IS ORDERED that the trial date be continued from June 27, 2005, until
2 September 6, 2005.

3 IT IS FURTHER ORDERED that the period of delay from the date of this Order,
4 until September 6, 2005, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), for
5 the purpose of computing the time limitations imposed by the Speedy Trial Act.

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7 DATED this 24th day of June, 2005.

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10 Marsha J. Pechman
11 U.S. District Judge

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13 Presented by:

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